Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-1521

CHANNEL TWO TELEVISION COMPANY, THE HOUSTON POST COMPANY, CHRONICLE BROADCASTING COMPANY, THE CHRONICLE PUBLISHING COMPANY, KSL, INCORPORATED (DESERET NEWS), POST-NEWSWEEK STATIONS, CAPITAL AREA, INC., THE WASHINGTON POST COMPANY, WHAS, INC. (THE COURIER JOURNAL AND THE LOUISVILLE TIMES), *Petitioners*,

v.

NATIONAL CITIZENS COMMITTEE FOR BROADCASTING, ET AL., *Respondents*.

JOINT STATEMENT IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

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PRESS OF BYRON S. ADAMS PRINTING, INC., WASHINGTON, D. C.

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Come now Belo Broadcasting Corporation, The Hearst Corporation, Scripps-Howard Broadcasting Company and The E. W. Scripps Company, respondents herein, and, by their attorneys, submit the following joint statement:

Belo Broadcasting Corporation is the licensee of standard, FM, and television broadcast stations. A. H. Belo Corporation, the beneficial owner of Belo Broadcasting Corporation, is the publisher of daily newspapers. Some of the broadcast stations licensed to Belo Broadcasting Corporation and the newspapers published by the A. H. Belo Corporation are "co-located."

Scripps-Howard Broadcasting Company is the licensee of standard, FM, and television broadcast stations. The E. W. Scripps Company, the majority stockholder of Scripps-Howard Broadcasting Company, has ownership interests in daily newspapers, some of which are "co-located" with the broadcast stations.

The Hearst Corporation is the licensee of standard, FM, and television broadcast stations, and the publisher of daily newspapers, some of them "co-located."

Each of the respondents was a party to the rulemaking proceeding before the Federal Communications Commission, which proceeding culminated in the *Second Report and Order*, 50 FCC 2d 1046, on reconsideration, 53 FCC 2d 589 (reproduced in the Federal Communications Commission's Appendix to its Petition for Writ of Certiorari, No. 76-1471, at pp. 61-158). Each was an intervenor in the proceeding to review the *Second Report and Order* in the United States Court of Appeals for the District of Columbia Circuit. A panel of that court vacated a portion of the Federal Communications Commission's *Second Report and Order* and remanded the record for adoption of a rule in conformity with the court's opinion. *National Citizens Committee for Broadcasting, et al.* v. *Federal Communications Commission and United States of America, et al.*, No. 75-1064 (FCC App. 1-60). Simply stated, the

court below reversed that portion of the FCC's *Second Report and Order* which declined, except in "egregious" cases, to ban cross-ownership of existing co-located broadcast stations and daily newspapers. Under the court's decision below, respondents would be adversely affected.

Respondents support the Petition for Writ of Certiorari filed May 2, 1977, by the Petitioners herein, and, for the reasons expressed therein, respectfully urge this Court to issue such Writ.

Respectfully submitted,

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